

REMARKS

Claims 1, 4-10 and 13-19 are pending in the application and are rejected.

In paragraph 1 on page 4 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1 and 20 of copending Application No. 09/939,369.

In paragraph 2 on page 4 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 20, 21 and 22 of copending Application No. 09/944,549.

In paragraph 3 on page 5 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 10 and 21 of copending Application No. 10/040,979.

In paragraph 4 on page 6 of the Office Action, claims 1, 10 and 19 are provisionally rejected on the ground of nonstatutory double patenting over claims 1, 10 and 19 of copending Application No. 10/051,340.

In paragraph 5 on page 7 of the Office Action, claims 1, 4-10 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over PhotoChannel.

Examiner in paragraphs 1, 2, 3, and 4 has rejected the claims set forth therein on the grounds of nonstatutory double patenting in view of copending Application No. 10/050,979; Application No. 09/944,549; Application No. 09/939,369; and Application No. 10/051,340. In this regard a terminal disclaimer has been submitted herewith disclaiming any portion of the instant application which would extend beyond any of the patent granted and any of the identified copending applications. Accordingly it is respectfully submitted that these rejections are no longer applicable.

The Examiner in paragraph 5, rejected claims 1, 4-10, and 13-19 under 35 U.S.C. 103(a) as being unpatentable over PhotoChannel references U-W for reasons set forth therein. The Applicant's respectfully submit that neither of the references cited teach or suggest the invention as taught and claimed by Applicant. Independent claims 1, 10 and 19, upon which the remaining claims depend at least ultimately, are directed to a method, system or computer software program for ordering digital photo services over a communication network.

These Independent claims included the limitation of maintaining a registry of plurality of photo service providers and business entities on a server and associates a selection of offerings of goods and services with respect to each of the photo service providers. These claims also include the limitation of providing a plurality of order terminals each being associated with one of the plurality of business entities, the order terminal capable of communicating over a communication network. The server maintains information with respect to business relationships between the plurality of photo service providers and the plurality of business entities. The claims further include the limitation of providing an offering for desired goods or services from two or more of the plurality service providers at one of the order terminals based upon the business relationship stored on the server and the selected good or service by the user. Thus what is being provided at the order terminal is a tailored custom offering that is based on two factors, one, the business relationship associated with the terminal and two, the selected goods or services made by the user. Depending upon the business relationship associated with the order terminal and the selected goods or services various, a custom display of selections will be provided to the user at that terminal. The server of course limits the selection based on the business relationships associated with that terminal and the goods or services being requested. The present invention allows the customer to create inquiries that orders can be fulfilled by many service providers that meet the criteria provided by the customer yet the displayed offering at the order terminal does not contravene the business relationships between the plurality of business entities and service providers, which may be in line, non-threatening, or in complete contravention to each other. In each case the offerings will be customized in accordance with the relationship to business relationships and the goods or services ordered by the user at that particular terminal.

First, Rex fails to teach or suggest maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities. Rather, Rex merely discloses that Photo-Me International joined forces with British Telecommunications (BT) to deliver photography booths and fourteen online merchants plan to offer services via the booths. *See* page 4. However, Rex does not disclose maintaining information on a server with respect to a business

relationships between a plurality of photo service providers and a plurality of business entities.

PRN fails to remedy the deficiencies of Rex as PRN also fails to teach or suggest at least maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities. Rather, PRN discloses an interactive kiosk in a mall that allows shoppers to connect to online shopping and services sites. The shoppers will also be able to view a mall directory. *See* page 3. However, Rex does not disclose maintaining information on a server with respect to a business relationships between a plurality of photo service providers and a plurality of business entities.

Second, the cited references fail to teach or disclose providing an offering for a desired good or service from two or more of said plurality of service providers from said server at one of said order terminals based on said business relationships stored on said server.

Thus, it is submitted that further consideration of claim rejections under 35 USC 103(a) upon the citing of the third applied prior art reference to the collection of art cited in Paper #20041001 is moot, inasmuch as the combination of Rex, PRN and the collection of art cited in Paper #20041001 still lack any teaching, disclosure, or suggestion concerning offering for a desired good or service and maintaining information on said server with respect to business relationships between said plurality of photo service providers and said plurality of business entities and as previously discussed.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli".

Attorney for Applicant(s)

Registration No. 27,370

Frank Pincelli/mjl
Rochester, NY 14650
Telephone: 585-724-3877
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.